

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 7, 2013



Rezoning case no. RZ 13-13: Crossfulton Investments

CASE DESCRIPTION: a request to change the zoning classification from Industrial District (I) to Planned Development District – Business District (PD-B)

LOCATION: 4.994 acres of land adjoining the south side of West Bronze Lane, approximately 700 feet to 1,030 feet southwest from its intersection with North Harvey Mitchel Parkway (FM 2818)

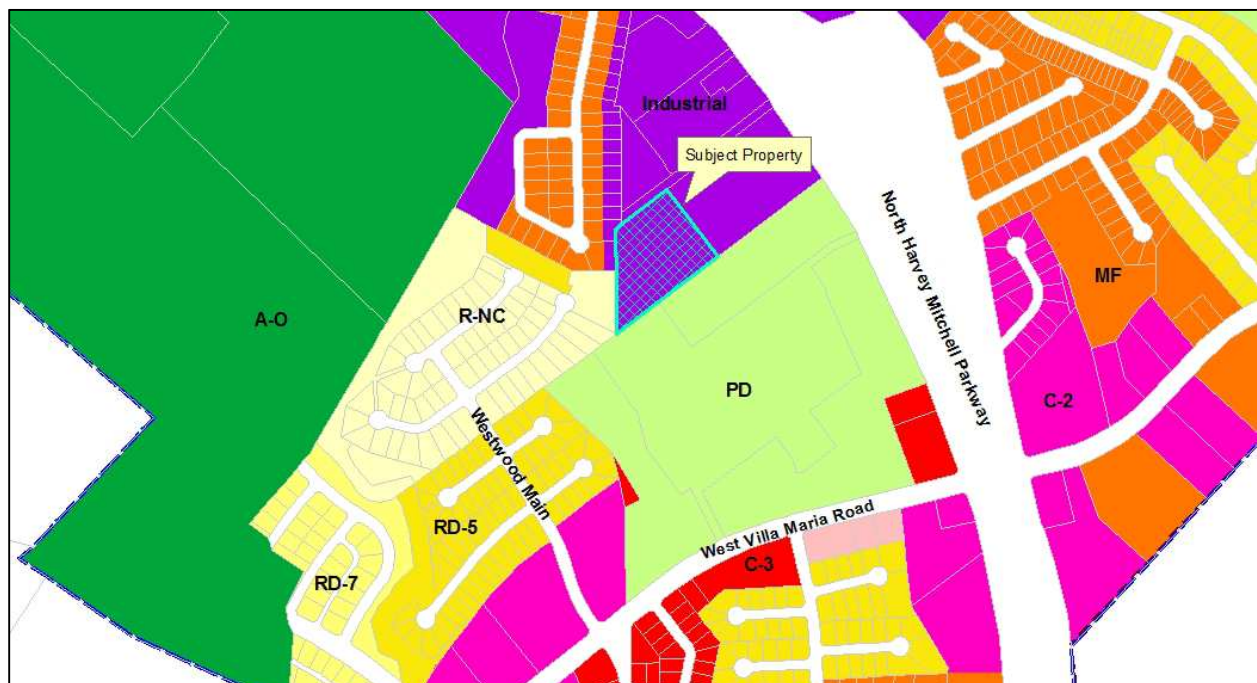
LEGAL DESCRIPTION: 4.994 acres out of Zeno Phillips League, Abstract No. 45

EXISTING LAND USE: vacant land

APPLICANT(S): Crossfulton Investments - Frank Liu

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends approving the proposed **rezoning / development plan amendment**, as requested.



AERIAL PHOTOGRAPHS – SEPTEMBER, 2013



BACKGROUND:

On August 4, 2012, the City Council approved an amendment to the Zoning Ordinance creating a Planned Development – Business (PD-B) District (Ordinance no. 1963) on 51.2 acres of land wrapping around the northwest corner of North Harvey Mitchell Parkway (FM 2818) and West Villa Maria Road, to provide development opportunities for a regional retail center at this location. A new Wal-Mart Supercenter is currently under construction there. The same developer, Crossfulton Investments, has acquired the 4.9-acre subject property, which is currently zoned Industrial District (I), and is requesting that this acreage be added to the previously approved PD-B District.

The developer wishes to make these 4.9 acres part of the Villa Maria Wal-Mart Addition development and apply the same standards to this property. The property's current Industrial District zoning allows land uses that would not be appropriate in this specific setting and also contains development standards that do not align with the developer's business model. In addition, Industrial District zoning does not allow by right certain retail uses that the developer would like to propose at this location. The development plan described below is identical to the one for the PD-B District adopted for the adjoining 51.2 acres that was adopted in August 2012.

The subject tract lies northwest of the 51-acre Villa Maria Wal-Mart Addition, the land use and development standards on which are governed by the PD-B District Ordinance no. 1963. West and Southwest of the subject property is the 20-acre Carriage Hills Subdivision which is zoned Residential – Neighborhood Conservation District (R-NC). Most of the lots in the Carriage Hills Subdivision are developed with home sites. The 19-acre area north and east of the subject tract is zoned Industrial District. Development in that area includes a freight shipping depot, manufacturing and service businesses and a self-service storage facility. West Bronze Lane which borders the property to the northwest is not a public street.

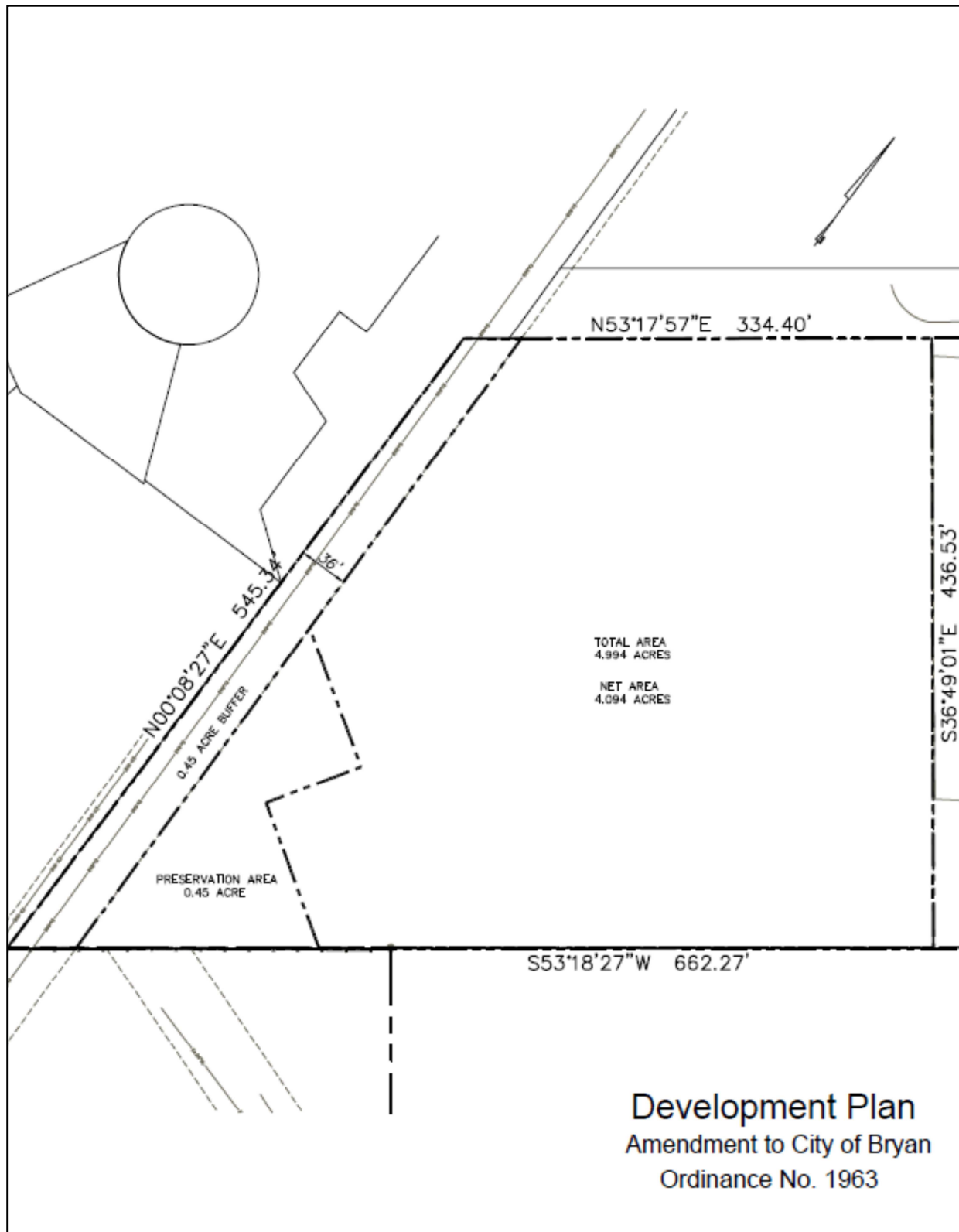
PROPOSED DEVELOPMENT PLAN:

The applicant wishes to amend the development plan described in Ordinance No. 1963 of the City of Bryan, which was approved by the City Council August 4, 2012, by adding the 4.9 acre subject tract depicted on the proposed development plan amendment that is attached to this staff report, and making this acreage subject to the same development standards therein.

The existing Villa Maria Wal-Mart Planned Development – Business District governing the adjacent 52-acre regional retail development allows land uses found in all three commercial type zoning districts, with the exception of 47 of the most intense commercial uses; e.g. truck and trailer rental and repair, machine shops, outdoor amusements, R.V. parks, flea markets and manufactured home sales.

More rigid physical development criteria in the PD-B regarding building design, landscaping and signage standards are intended to produce a higher quality built environment. Requirements ensuring higher quality materials and buildings with increased façade articulation and a greater number of windows are a major component. Also, sign standards intended to consolidate tenant signage and thereby mitigate the profusion of roadside pylon signs are in place in the existing PD-B District.

DEVELOPMENT PLAN AMENDMENT DRAWING:



RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission should consider the following when making its recommendation regarding this proposed zoning change:

Use-Specific Land Use Policies

Regional Retail land serves as a commercial resource for the greater metropolitan area and generates vital sales and ad valorem income. These uses should be located in areas that are:

- At points of highest visibility and access; and
- In close proximity to major intersections (freeway/expressways and freeways, freeways and major arterials, and major arterials and major arterials).

Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

Action Statement 2: Identify areas for future commercial development and preserve them with appropriate zoning

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

The subject tract, proposed to be incorporated within the previously approved development plan, is currently zoned for industrial use. Staff contends that the uses allowed in that zoning classification are not appropriate in such close proximity to the residences west of the subject tract. The development plan previously approved limits the allowed uses to those generally considered suitable near, but not directly adjacent to, residential areas. Staff contends that the buffer area as depicted on the development plan drawing will help mitigate potential negative effects on nearby residential properties.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

This rezoning is an extension of the PD-B District that was created in August 2012 for the adjoining 51.2-acre tract. The current construction on the adjacent 51-acre tract has triggered expansion and improvement in several areas of public infrastructure. Adequate capacity of water and sewer systems exists to support the increased load. Increased vehicular traffic expected in the area will be accommodated by planned traffic control measures and management of access onto the adjacent roadways.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

Other than the adjacent 50-acre tract, there is very little land in the vicinity available for regional retail-type development within a 2+ mile radius. The largest portion of the undeveloped land in the area is handicapped by either lack of access to major roadways or utilities, or due to the fact that it is publicly owned as is the case of the 1500+ acre tract located 1/3 mile south of the subject property that is owned by Texas A&M University.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Development of regional retail in this area of Bryan is currently underway on the 50+ acre tract immediately south of the subject property. The most-recent project of similar scale and scope was that of the Bryan Town Center in 2006-2008 on Briarcrest Drive near State Highway 6, which is located 4.5 miles to the east.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

If the proposed PD-B District were approved, staff believes there to be no need to modify the zoning designation for other areas. Other potential sites able to accommodate development are unlikely to be affected.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff is unable to discern any other factors related to this request that will adversely affect health, safety, morals, or general welfare. Staff contends that the proposed retail development at this location will allow for a useful and orderly urban development of this property. Further, staff finds that the standards of the proposed development plan in many ways better mitigate negative impacts relative to the standards imposed on development in a standard zoning district, in this particular case.

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Staff believes that given the scale of the proposed retail development, negative impact to the residential areas to the west is unavoidable. However, the existing industrial zoning of the subject property allows for considerably more intense use than will be possible under the standards of the proposed development plan. Staff believes that the use and development of this property under the proposed standards will potentially produce fewer adverse impacts than the standards currently in place.

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that have not been better mitigated by the provisions of the proposed PD-B District than would be the case under currently existing development regulations.

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

It is important to note that the subject property is located adjacent to major roadways designed to accommodate large amounts of traffic. West Villa Maria Road is classified as a super arterial street on Bryan's Thoroughfare Plan; North Harvey Mitchell Parkway is classified as a freeway. Each of these principal streets can reasonably be expected to be capable of safely absorbing traffic loads typically associated with regional retail uses. Separate from the development regulations imposed by this plan, a traffic light at the intersection of Jaguar Drive and West Villa Maria Road will be installed to improve vehicle and pedestrian safety at the main entrance to the development of which this property will become a part.

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

As stated above, existing infrastructure, standards and plans are in place to prevent the proposed development from adversely affecting traffic safety. The proposed plan also contains regulations designed to limit the number, location and size of individual freestanding signs within and along the edges of the project. Future development here will have access to the planned large multiple tenant signs located on both roadway frontages. The use of the large multiple tenant signs will reduce the proliferation of individual sign clutter.

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Staff contends that the given the large buffer proposed along the property's west side will significantly reduce the potential negative impact that could reasonably be expected if the property would develop under the standards applicable in the Industrial District. The proposed development will reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

Staff believes that the proposed planned development at this location will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

Staff recommends **approving** this proposed rezoning, as requested.